

REMARKS

This paper is presented in response to the Final Office Action. By this paper, claims 11, 21, and 33 are canceled, claims 1, 14, 15, and 24 are amended, and new claims 37-40 are added. Claims 1-10, 12-20, 22-32, and 34-40 are now pending in view of the foregoing cancellations and new claims.

I. General Considerations

A. Claim Amendments and/or Cancellations

Applicant respectfully notes that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the patentable distinctions between any cited references and the invention, example embodiments of which are set forth in the claims of this application. Rather, and in consideration of the fact that various factors make it impractical to enumerate all the patentable distinctions between the invention and the cited art, as well as the fact that the Applicant has broad discretion in terms of the identification and consideration of the base(s) upon which the claims distinguish over the cited references, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration by the Applicant, in this case or any other, of: additional or alternative distinctions between the invention and the cited references; and/or, the merits of additional or alternative arguments.

With specific reference now to the claim amendments, Applicant notes that while claims 1, 14, 15 and 24 have been amended herein, such amendments have been made in the interest of expediting the allowance of this case. Notwithstanding, Applicant, may, on further consideration, determine that claims of broader scope than those now presented are supported. Accordingly, Applicant hereby reserves the right to file one or more continuing applications with claims broader in scope than the claims now presented.

Consistent with the points set forth above, Applicant submits that neither the claim amendments set forth herein, nor any other claim amendments, claim cancellations or statements advanced by the Applicant in this or any related case, constitute or should be construed as, an

implicit or explicit surrender or disclaimer of claim scope with respect to the cited, or any other, references.

B. Remarks

Applicant notes that the remarks, or a lack of remarks, set forth herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicant, of additional or alternative distinctions between the claims of the present application and the references cited by the Examiner, and/or the merits of additional or alternative arguments.

II. Claim Rejections

The Examiner has rejected claims 1-10, 12, 13, 15-20, 22-32, and 34-36 as purportedly anticipated and/or obvious in light of various references and combinations thereof. Applicant respectfully disagrees but submits that in view of the claim amendments set forth herein, and discussed in further detail below, the rejections are moot and should be withdrawn.

III. Allowable Subject Matter

The Examiner has indicated that claims 11, 14, 21, and 33 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant has rewritten claim 1 to include the limitations of claim 11. Dependent claim 14 has been rewritten in independent form to include all the limitations of the base claim and any intervening claims. Independent claim 15 has been

amended to include the limitations of claim 21. Independent claim 24 has been amended to include the limitations of claim 33.

In light of the aforementioned amendments, all of the claims now pending are believed to be in allowable condition, and allowance of those claims is therefore respectfully requested.

IV. New Dependent Claims 37-40

By this paper, Applicant has added new claims 37-40, each of which depends from claim 24. Claim 24 is believed to be in allowable condition for at least the reasons set forth herein and claims 37-40 are, accordingly, likewise believed to be in allowable condition. Support for the new claims can be found in the application at, for example, paragraphs [013], [022], [023], and [026].

CONCLUSION

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 1-10, 12-20, 22-32, and 34-40 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 26th day of October 2007.

Respectfully submitted,

/Peter F. Malen Jr./Reg.# 45,576

Peter F. Malen Jr.
Attorney for Applicants
Registration No. 45,576
Customer No. 022913
Telephone: (801) 533-9800

PFM:ajb
W:\15436\249.34.1\KJN0000004835V001.doc